



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,367	12/06/2000	Stephen P. Fracek JR.	98006/16UTL	8329

23873 7590 06/25/2003
ROBERT W STROZIER, P.L.L.C
PO BOX 429
BELLAIRE, TX 77402-0429

EXAMINER

SCHIFFMAN, JORI

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,367

Applicant(s)

FRACEK ET AL.

Examiner

Jori R. Schiffman

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kersting (1983) in view of timeclockplus.com (www.timeclockplus.com) and in further view of Stephanou (US 6505166).

Regarding claim 1, Kersting discloses a system on a computer network for medical students for tracking and verifying various activities. The specific components of a GUI, database, logon, student, staff, clinician, and faculty subsystems would be obvious to one of ordinary skill in the art to include since they are the basic components of a network system of this form. Kersting fails to disclose time in and time out routines for time stamping a user's activity. Timeclockplus.com teaches the use of a computerized system for tracking an employee's work hours. Using the Internet Archive Wayback Machine (www.archive.org), it was found that the Timeclockplus.com main page was first made available to the public on February 9, 1999 and is therefore prior art. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include a time clock system in the system of Kersting so a more accurate record can be kept on each individual student. Kersting also fails to disclose a survey

Art Unit: 3679

system. Stephanou teaches a survey requesting customer feedback about satisfaction with the service provided. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include a survey for student feedback about the service provided in Kersting as disclosed in Stephanou to provide information about the success of the system so improvements may be made for a better overall performance.

As to claim 2, it would have been obvious at the time the invention was made to a person of ordinary skill in the art to include a separate survey for each different user that can access the system since each person may have different functions available after they logon.

Regarding claim 3, modified Kersting discloses the specific time clock functions.

Referring to claims 4-6, it would have been obvious at the time the invention was made to a person of ordinary skill in the art to include different functions on the system depending upon the particular user since each user performs different functions, i.e. students record observations and staff members review students' progress.

In regards to claims 7, 8, 11, and 12, Kersting discloses the system residing on a server connected to the Internet and the system web-based.

As to claims 9, 10, 13, and 14, the method of entering, updating, and retrieving data would be obvious to any user of the system.

Art Unit: 3679

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited further to show the state of the art with respect to interactive University databases and surveys in general: U.S. Pat. No. 6261103 to Stephens et al, U.S. Pat. No. 6216164 to Zaremba, Jr., U.S. Pat. No. 6282404 to Linton, U.S. Pat. No. 6513014 to Walker et al., and U.S. Pat. App. Pub. 2001/0047286 to Walker et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jori R. Schiffman whose telephone number is 703-305-4805. The examiner can normally be reached on M-Th, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1113.

Jori R. Schiffman
Examiner
Art Unit 3679

JS
June 16, 2003


Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3679